

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Paula Michele Tipton-Healy, L.M.

**Licensed Midwife
Certificate No. LM 12**

Case No. 800-2019-054059

Respondent.

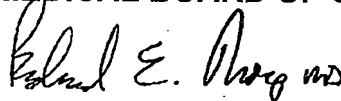
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 17, 2023.

IT IS SO ORDERED February 17, 2023.

MEDICAL BOARD OF CALIFORNIA



**Richard E. Thorp, M.D., Chair
Panel B**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9433
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **PAULA MICHELE TIPTON-HEALY,**
16 **L.M.**

17 **1930 W. San Marcos Blvd.**
San Marcos, CA 92078-3932

18 **Midwife License No. LM 12**

19 Respondent.

Case No. 800-2019-054059

OAH No. 2022030957

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Reji Varghese (Complainant) is the Deputy Director of the Medical Board of
25 California (Board). Former Executive Director William Prasifka brought this action solely in his
26 then official capacity as Executive Director of the Board. Reji Varghese is represented in this
27 matter by Rob Bonta, Attorney General of the State of California, and by Jason J. Ahn, Deputy
28 Attorney General.

2. Respondent Paula Michele Tipton-Healy, L.M. (Respondent) is represented in this proceeding by attorney David Rosenberg, Esq., whose address is: 10815 Rancho Bernardo Rd., Suite 310, San Diego, CA 92127.

3. On or about December 16, 1996, the Board issued Midwife License No. LM 12 to Respondent. The Midwife License was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-054059, and will expire on October 31, 2023, unless renewed.

JURISDICTION

4. On March 15, 2022, Accusation No. 800-2019-054059 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about March 15, 2022. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-054059 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2019-054059. Respondent has also carefully read, fully discussed with her counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

1 CULPABILITY

2 9. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
4 No. 800-2019-054059, a copy of which is attached hereto as Exhibit A, and that he has thereby
5 subjected her Midwife License No. LM 12 to disciplinary action.

6 10. Respondent agrees that if an accusation is ever filed against her before the Medical
7 Board of California, all of the charges and allegations contained in Accusation No. 800-2019-
8 054059 shall be deemed true, correct, and fully admitted by Respondent for purposes of that
9 proceeding or any other licensing proceeding involving Respondent in the State of California.

10 11. Respondent agrees that her Midwife License No. LM 12 is subject to discipline and
11 she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
12 Order below.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Medical Board of California.
15 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
16 Board of California may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondent or her counsel. By signing the
18 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
22 action between the parties, and the Board shall not be disqualified from further action by having
23 considered this matter.

24 ///

25 ///

26 ///

27 ///

28 ///

1 **ADDITIONAL PROVISIONS**

2 13. This Stipulated Surrender and Disciplinary Order is intended by the parties herein
3 to be an integrated writing representing the complete, final, and exclusive embodiment of the
4 agreements of the parties in the above-entitled matter.

5 14. The parties agree that copies of this Stipulated Surrender and Disciplinary Order,
6 including copies of the signatures of the parties, may be used in lieu of original documents and
7 signatures and, further, that such copies shall have the same force and effect as originals.

8 15. In consideration of the foregoing admissions and stipulations, the parties agree the
9 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
10 the following Disciplinary Order:

11 **DISCIPLINARY ORDER**

12 1. **PUBLIC REPRIMAND.**

13 IT IS HEREBY ORDERED that Respondent Paula Michele Tipon-Healy, LM, holder of
14 Midwifery License No. LM 12, shall be and hereby is Publicly Reprimanded pursuant to Business
15 and Professions Code section 2227. This Public Reprimand, which is issued in connection with
16 the allegation as set forth in Accusation No. 800-2019-054059, is as follows:

17 In 2019, Respondent was deficient in her care and treatment of Patient A, as
18 more fully described in Accusation No. 800-2019-054059.

19 2. **INVESTIGATION/ENFORCEMENT COST RECOVERY.** Respondent is
20 hereby ordered to reimburse the Board its costs of investigation and enforcement,
21 including, but not limited to, expert review, legal review, and investigation, in the amount
22 of \$9,500.81 (nine thousand five hundred dollars and eighty-one cents). Costs shall be
23 payable to the Medical Board of California.

24 Payment must be made in full within 30 calendar days of the effective date of the Order, or
25 by a payment plan approved by the Medical Board of California. Any and all requests for a
26 payment plan shall be submitted in writing by respondent to the Board.

27 The filing of bankruptcy by respondent shall not relieve Respondent of the responsibility to
28 repay investigation and enforcement costs.

3. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2019-054059 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

4. FAILURE TO COMPLY. Any failure by Respondent to comply with terms and conditions of the Stipulated Settlement and Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David Rosenberg, Esq. I fully understand the stipulation and the effect it will have on my Midwife License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12 / 27 / 2022

Paula Tipton-Healy

PAULA MICHELE TIPTON-HEALY, L.M.
Respondent

I have read and fully discussed with Respondent Paula Michele Tipton-Healy, L.M. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

12/27/2022

DAVID ROSENBERG, ESQ.
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 12/28/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

SD2022800455
Stip Settlement and Disc Order - MBC-Osteopathic.docx

Exhibit A

Accusation No. 800-2019-054059

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9433
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2019-054059

14 **PAULA MICHELE TIPTON-HEALY, L.M.**
15 **1930 W San Marcos Blvd Spc 403**
San Marcos, CA 92078-3932

ACCUSATION

16 **Midwife Certificate No. LM 12**

17
18 Respondent.

19
20 **PARTIES**

21 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
23 (Board).

24 2. On December 16, 1996, the Board issued Midwife Certificate Number LM 12 to
25 Paula Michele Tipton-Healy, L.M. (Respondent). The Midwife Certificate was in full force and
26 effect at all times relevant to the charges brought herein and will expire on October 31, 2023,
27 unless renewed.
28

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2507 of the Code states:

(a) The license to practice midwifery authorizes the holder to attend cases of normal pregnancy and childbirth, as defined in paragraph (1) of subdivision (b), and to provide prenatal, intrapartum, and postpartum care, including family-planning care, for the mother, and immediate care for the newborn.

(b) As used in this article, the practice of midwifery constitutes the furthering or undertaking by any licensed midwife to assist a woman in childbirth as long as progress meets criteria accepted as normal.

(1) Except as provided in paragraph (2), a licensed midwife shall only assist a woman in normal pregnancy and childbirth, which is defined as meeting all of the following conditions:

(A) There is an absence of both of the following:

(i) Any preexisting maternal disease or condition likely to affect the pregnancy.

(ii) Significant disease arising from the pregnancy.

(B) There is a singleton fetus.

(C) There is a cephalic presentation.

(D) The gestational age of the fetus is greater than 37 0/7 weeks and less than 42 0/7 completed weeks of pregnancy.

(E) Labor is spontaneous or induced in an outpatient setting.

(2) If a potential midwife client meets the conditions specified in subparagraphs (B) to (E), inclusive, of paragraph (1), but fails to meet the conditions specified in subparagraph (A) of paragraph (1), and the woman still desires to be a client of the licensed midwife, the licensed midwife shall provide the woman with a referral for an examination by a physician and surgeon trained in obstetrics and gynecology. A licensed midwife may assist the woman in pregnancy and childbirth only if an examination by a physician and surgeon trained in obstetrics and gynecology is obtained and the physician and surgeon who examined the woman determines that the risk factors presented by her disease or condition are not likely to significantly affect the course of pregnancy and childbirth.

(3) The board shall adopt regulations pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) specifying the conditions described in subparagraph (A) of paragraph (1).

(c)(1) If at any point during pregnancy, childbirth, or postpartum care a client's condition deviates from normal, the licensed midwife shall immediately refer or transfer the client to a physician and surgeon. The licensed midwife may consult and remain in consultation with the physician and surgeon after the referral or transfer.

1 (2) If a physician and surgeon determines that the client's condition or concern has been
2 resolved such that the risk factors presented by a woman's disease or condition are not likely to
3 significantly affect the course of pregnancy or childbirth, the licensed midwife may resume
primary care of the client and resume assisting the client during her pregnancy, childbirth, or
postpartum care.

4 (3) If a physician and surgeon determines the client's condition or concern has not been
5 resolved as specified in paragraph (2), the licensed midwife may provide concurrent care with a
6 physician and surgeon and, if authorized by the client, be present during the labor and childbirth,
and resume postpartum care, if appropriate. A licensed midwife shall not resume primary care of
the client.

7 (d) A licensed midwife shall not provide or continue to provide midwifery care to a woman
8 with a risk factor that will significantly affect the course of pregnancy and childbirth, regardless
9 of whether the woman has consented to this care or refused care by a physician or surgeon, except
as provided in paragraph (3) of subdivision (c).

10 (e) The practice of midwifery does not include the assisting of childbirth by any artificial,
11 forcible, or mechanical means, nor the performance of any version of these means.

12 (f) A midwife is authorized to directly obtain supplies and devices, obtain and administer
13 drugs and diagnostic tests, order testing, and receive reports that are necessary to his or her
14 practice of midwifery and consistent with his or her scope of practice.

15 (g) This article does not authorize a midwife to practice medicine or to perform surgery.

16 5. Section 2510 of the Code requires that the licensed midwife, in the event of the
17 transfer of care to a hospital, provide the relevant medical records and speak with the receiving
18 physician about labor up to the point of transfer.

19 6. Section 2519 of the Code states, in relevant part:

20 The board may suspend, revoke, or place on probation the license of a midwife
21 for any of the following:

22 (a) Unprofessional conduct, which includes, but is not limited to, all of the
following:

23 (1) Incompetence or gross negligence in carrying out the usual functions of a
24 licensed midwife.

25 "..."

26 (e) Violating or attempting to violate, directly or indirectly, or assisting in or
abetting the violation of, or conspiring to violate any provision or term of this chapter.

27 "..."

28 ///

(j) Failing to do any of the following when required pursuant to Section 2507:

(1) Consult with a physician and surgeon.

(2) Refer a client to a physician and surgeon.

(3) Transfer a client to a hospital.

7. Section 2234 of the Code states, in pertinent part:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

...

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"..."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

///

///

///

///

///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 9. Respondent has subjected her Midwife Certificate No. LM 12 to disciplinary action
4 under section 2519, as defined by section 2519, subdivision (a)(1), of the Code, in that
5 Respondent committed gross negligence in her care and treatment of Patient A¹, as more
6 particularly alleged hereinafter:

7 10. On or about February 7, 2019, L.P. spontaneously gave birth to Patient A under the
8 care of Respondent and her midwifery students, A.E., and B.R. Patient A's newborn
9 examination on this date was normal with the exception of a possible slight tongue and lip tie.

10 11. On or about February 8, 2019, H.K., L.M. and two midwifery students, A.E. and B.R.
11 returned to Patient A in order to, among other things, complete a California Newborn Screen
12 (NBS). H.K., L.M. was not qualified to serve as a midwifery preceptor. According to the
13 relevant medical records, Respondent signed herself as a supervising provider and Respondent is
14 qualified to serve as a midwifery preceptor. However, Respondent was not present during this
15 visit. As a midwifery preceptor, Respondent failed to ensure that H.K., L.M. and midwifery
16 students A.E. and B.R. were aware of the restrictions placed on them, including, not limited to,
17 A.E. and/or B.R. physically warming the foot of newborn Patient A, without direct/and or in-
18 person supervision of a midwifery preceptor.

19 12. During the February 8, 2019 visit, A.E. and/or B.R. warmed a diaper in preparation
20 for a NBS (heel sticks). H.K., L.M. felt the diaper was too hot, so she waited, and instructed A.E.
21 and/or B.R. to place the diaper on Patient A. H.K., L.M. is unsure whether she had checked the
22 diaper's temperature before it was placed on Patient A. Due to the size of the diaper, Patient A's
23 entire foot was covered by the diaper.

24 ///

25 ///

26 ///

27 ¹ References to "Patient A" are used in order to protect patient privacy.
28

1 13. When the diaper was removed, H.K., L.M. noticed blisters on Patient A's foot.
2 Suspecting a possible staph infection,² H.K., L.M. lanced the blister, collected some of the fluid
3 for analysis, but following a phone conversation with Respondent and Patient A's parents,
4 decided not to send the fluid. The wound on Patient A's right foot was covered with sterile
5 gauze.

6 14. On or about February 8, 2019, after the above diaper incident, Respondent returned to
7 Patient A's residence to evaluate Patient A's feeding and blisters. After helping with latching and
8 evaluating Patient A's blisters, Respondent recommended natural treatment, calendula,³ and
9 instructed Patient A's parents to call the doctor if the condition worsened. Respondent failed to
10 provide any further treatment for the blister, including, but not limited to, applying antibiotic
11 ointment and redressing the wound.

12 15. On or about February 9, 2019, Respondent received photographs of Patient A's
13 blisters, and relayed the photos to Dr. M. Later that day, Respondent received a phone call from
14 Patient A's mother, who was very upset regarding Patient A's condition. Respondent met Patient
15 A's mother at the Rady's Oceanside Urgent Care, where Patient A was subsequently transported,
16 via ambulance, to Rady's Children's Hospital.

17 16. At Rady's Children's Hospital, Patient A was diagnosed with 1% TBSA (total body
18 surface area) full to superficial/deep partial thickness burn wounds involving entirety of 1st and
19 5th toes and tips of toes 2 ~ 4. Great toe appeared to have full thickness involvement with dry
20 eschar⁴ over wound involving nail bed and joints, deep partial thickness of small toe involving
21 joints. According to Patient A's admission history and physical examination, she was a normally
22 presenting three (3) day old infant, with the exception of the burn on her right foot and slight
23 jaundice. Patient A was provided with antibiotics due to the wound and normal saline for slight
24 dehydration.

25 ² Staph infection refers to an infection caused by bacteria commonly found on the skin or
26 in the nose.

27 ³ Calendula is a plant used for wound healing, skin health, and more.

28 ⁴ Eschar refers to dead tissue that eventually sloughs off healthy skin after an injury.

1 17. On or about February 10, 2019, Patient A was admitted to UCSD Hillcrest Burn
2 Center. Patient A's wounds were debrided and dressed daily under sedation.

3 18. On or about February 16, 2019, Patient A underwent surgery for full debridement and
4 placement of epiflex.⁵ Wounds were full thickness and great toe was down to the bone.
5 Dressings were changed every other day.

6 19. On or about February 21, 2019, Patient A was discharged with instructions to return
7 to the UCSD Hillcrest Burn Center on February 25, 2019 for dressing change.

8 20. Following her February 21, 2019 discharge from USCD Hillcrest Burn Center,
9 Patient A required numerous follow-up visits to for evaluation. Patient A's parents were advised
10 to keep Patient A out of the sun for one (1) year. Patient A required a massage, twice a day, with
11 special lotions and application of MediHoney⁶ to decrease thickening of her skin.

12 21. Respondent committed gross negligence in her care and treatment of Patients A,
13 including, but not limited to, the following:

14 22. Paragraphs 10 through 21, above, are hereby incorporated by reference as if fully set
15 forth herein;

16 23. As a supervising provider, Respondent failed to properly ensure that her acts and/or
17 omissions and/or the acts and/or omissions of others under her supervision do not place the
18 client at unnecessary risk; and

19 24. Respondent neglected her responsibilities as a midwifery preceptor.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ⁵ Epiflex is a human acellular dermis transplant that is manufactured from skin recovered
27 from screened consenting donors according to validated and approved methods.

28 ⁶ Medihoney is a brand name wound and burn gel made from 100% Leptospermum
(Manuka) honey.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 25. Respondent has further subjected her Midwife Certificate No. LM 12 to disciplinary
4 action under section 2519, as defined by sections 2519, subdivision (e), and 2234, subdivision (c),
5 of the Code, in that Respondent committed repeated negligent acts in her care and treatment of
6 Patient A, as more particularly alleged hereinafter:

7 26. Paragraphs 9 through 24, above, are incorporated by reference and realleged as if
8 fully set forth herein.

9 A. As a supervising provider, Respondent failed to properly ensure that her acts and/or
10 omissions and/or the acts and/or omissions of others under her supervision do not
11 place the client at unnecessary risk;

12 B. Respondent neglected her responsibilities as a midwifery preceptor; and,

13 C. Respondent failed to provide adequate treatment for Patient A's blisters on her foot.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Violation of the Medical Practice Act)**

16 27. Respondent has further subjected her Licensed Midwife Certificate No. LM 12 to
17 disciplinary action under section 2519, subdivision (e) of the Code, in that she has violated or
18 attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to
19 violate a provision of this chapter, as more particularly alleged hereinafter:

20 (a) Paragraphs 9 and 26, above, are hereby incorporated by reference and realleged
21 as if fully set forth herein.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

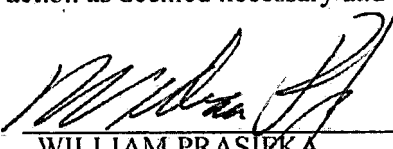
28 ///

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

- 4 1. Revoking or suspending Midwife Certificate Number LM 12, issued to Respondent
5 Paula Michele Tipton-Healy, L.M.;
- 6 2. Ordering Respondent Paula Michele Tipton-Healy, L.M., to pay the Board's
7 reasonably incurred costs of investigation and enforcement of this case;
- 8 3. Ordering Respondent Paula Michele Tipton-Healy, L.M., if placed on probation, to
9 pay the Board the costs of probation monitoring; and
- 10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: MAR 15 2022



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant